

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1405, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 20-3-21-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as**
- 4 **provided in subsection (b), IC 20-4-10.1 does not apply to a school**
- 5 **corporation or the governing body of a school corporation covered**
- 6 **by this chapter. applies to a school corporation for which a referendum**
- 7 **has been held:**
- 8 (1) as required by statute; and
- 9 (2) in which a majority of the votes cast approve electing the
- 10 members of the governing body.
- 11 (b) The governing body of a school corporation covered by this
- 12 chapter may reorganize under IC 20-4-10.1 after June 30, 2009. If
- 13 the governing body of the school corporation reorganizes under
- 14 this subsection the following apply:
- 15 (1) This chapter does not apply to the manner in which the

governing body is constituted.

(2) The manner in which the governing body is constituted is as provided in the plan adopted under IC 20-4-10.1.

SECTION 2. IC 20-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members ~~Six (6) members who~~ shall be elected as follows:

(1) On a nonpartisan basis.

(2) In a primary election held in the county.

(3) At-large by the registered voters of the entire school corporation.

(b) The membership shall be comprised of the following:

(1) **Each of six (6) of the members shall be elected from must reside in one (1) of the six (6) school districts drawn under section 4 of this chapter. in which the members reside but who shall, upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.**

(2) One (1) of the members ~~shall be appointed by the mayor of the largest city contained within the school corporation. The member must have knowledge or experience and be familiar with issues related to school business, school finance, and school administration. The member must have resided within the school corporation boundaries the previous five (5) years.~~ **may reside in any of the districts drawn under section 4 of this chapter.**

Upon election and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 3. IC 20-3-21-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.5. (a) Section 3(a)(1) of this chapter relating to election of members on the governing body on a nonpartisan basis requires the following:**

(1) A candidate for election to the governing body may not do any of the following:

(A) Seek the endorsement or assistance of a political party in the candidate's election to the governing body.

(B) State in any campaign communications that the candidate is endorsed by a political party, an individual

1 **who holds a public office, or an individual seeking election**
 2 **to a public office.**

3 **(2) A political party may not directly or indirectly campaign**
 4 **for or against a candidate for election to the governing body.**

5 **(b) The county election board shall impose a civil penalty:**

6 **(1) on a candidate or another person who violates this**
 7 **subdivision; and**

8 **(2) of one thousand dollars (\$1,000) plus any investigative**
 9 **costs incurred and documented by the board.**

10 **(c) Subject to this section, IC 3-9-4-17 applies to proceedings**
 11 **relating to a violation of this section.**

12 SECTION 4. IC 20-3-21-5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. **(a)** The six (6)
 14 members who are elected for a position on the governing body
 15 described under section 3(b)(1) of this chapter are determined as
 16 follows:

17 (1) Each candidate must file a nomination petition with the clerk
 18 of the circuit court at least seventy-four (74) days before the
 19 election at which the members are to be elected and that includes
 20 the following information:

21 (A) The name of the candidate.

22 (B) The district in which the candidate resides.

23 (C) The signatures of at least one hundred (100) registered
 24 voters residing within the school corporation.

25 (D) The fact that the candidate is running for a district
 26 position.

27 (E) A certification that the candidate meets the qualifications
 28 for candidacy imposed by this chapter.

29 (2) Only eligible voters residing in the school corporation may
 30 vote for a candidate.

31 (3) The candidate within each particular district who receives the
 32 greatest number of votes within the school corporation is elected.

33 **(b) The member who is elected for a position on the governing**
 34 **body described under section 3(b)(2) of this chapter is determined**
 35 **as follows:**

36 (1) Each candidate must file a nomination petition with the
 37 clerk of the circuit court at least seventy-four (74) days before
 38 the election at which the at-large member is to be elected. The

petition must include the following information:

(A) The name of the candidate.

(B) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(C) The fact that the candidate is running for the at-large position on the governing body.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate who:

(A) runs for the at-large position on the governing body; and

(B) receives the greatest number of votes within the school corporation;

is elected to the at-large position.

SECTION 5. IC 20-3-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~The following applies to~~ (a) A candidate who runs for a position on the governing body

~~(1) The candidate described under section 3(b)(1) of this chapter~~ must reside within the boundaries of the school corporation

~~(2) The candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the member is to be elected. The petition must include the following information:~~

~~(A) The name of the candidate.~~

~~(B) The signatures of at least one hundred (100) registered voters residing within the school corporation.~~

~~(C) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.~~

~~(3) Eligible voters residing within the boundaries of the school corporation may vote for the candidate.~~

~~(4) The candidate who receives the greatest number of votes is elected.~~

district for which the candidate filed.

(b) A candidate who runs for the at-large position on the

1 **governing body described in section 3(b)(2) of this chapter must**
 2 **reside within the boundaries of the school corporation.**

3 SECTION 6. IC 20-3-21-9 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The members shall
 5 be elected as follows:

6 (1) Three (3) of the members elected under section 3(b)(1) of this
 7 chapter shall be elected at the primary election to be held in ~~1992~~
 8 **2000** and every four (4) years thereafter.

9 (2) Three (3) of the members elected under section 3(b)(1) of this
 10 chapter shall be elected at the primary election to be held in ~~1994~~
 11 **2002** and every four (4) years thereafter.

12 **(3) The at-large member elected under section 3(b)(2) of this**
 13 **chapter shall be elected at the primary election to be held in**
 14 **2000 and every four (4) years thereafter.**

15 SECTION 7. IC 20-3-21-10 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. ~~Except for a~~
 17 ~~member appointed under section 3(b)(2) of this chapter,~~ A vacancy on
 18 the governing body shall be filled temporarily by the governing body
 19 as soon as practicable after the vacancy occurs.

20 SECTION 8. [EFFECTIVE JULY 1, 1999] **(a) As used in this**
 21 **SECTION, "governing body" refers to the governing body of a**
 22 **school corporation covered by IC 20-3-21, as amended by this act.**

23 **(b) The successors of the members of the governing body elected**
 24 **at the 1998 primary election shall be elected at the 2002 primary**
 25 **election under IC 20-3-21, as amended by this act.**

26 **(c) The successors of the members of the governing body not**

1 elected at the 1998 primary election shall be elected at the 2000
2 primary election under IC 20-3-21, as amended by this act.

3 (d) This SECTION expires January 1, 2003.

(Reference is to HB 1405 as introduced.)

and when so amended that said bill do pass.

Representative Kromkowski